

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SALVADOR GOMEZ,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

-against-

Case No. 17-cv-213

TERRI VEGETARIAN LLC d/b/a TERRI,
TERRI 2 LLC d/b/a TERRI,
TERRI 3, LLC d/b/a TERRI,
CRAIG COCHRAN,
JEFFREY LAPADULA and
TOMER VERSANO,

**NOTICE OF PENDENCY OF
LAWSUIT REGARDING WAGES**

Defendants.

Please read this notice if you are or were employed as a non-exempt employee (including but not limited to cooks, counter persons and delivery persons) at any time between January 11, 2014 and the present at any of the following restaurants:

- Terri – 685 Third Avenue, New York, New York 10017;
- Terri – 60 West 23rd Street, New York, New York 10010; and/or
- Terri – 100 Maiden Lane, New York, New York 10038.

Former employee SALVADOR GOMEZ (“Plaintiff”) has sued TERRI VEGETARIAN LLC d/b/a TERRI, TERRI 2 LLC d/b/a TERRI, TERRI 3, LLC d/b/a TERRI, CRAIG COCHRAN, JEFFREY LAPADULA and TOMER VERSANO (collectively, “Defendants”), seeking (1) unpaid minimum wages, (2) unpaid overtime compensation, (3) unpaid spread of hours premium, (4) statutory penalties, (5) liquidated damages and (6) attorneys’ fees and costs.

His lawsuit’s federal collective Fair Labor Standards Act (“FLSA”) claims seek back wages for unpaid minimum wage, unpaid overtime compensation, liquidated damages, and attorneys’ fees and costs. The purpose of this Notice is to advise you of your right to participate in this lawsuit under the FLSA.

Defendants deny any wrongdoing or liability and contest all claims that have been asserted. The Court has not decided the merits of any claims or any defenses asserted by any party to this lawsuit or whether any party is right or wrong. [It is Defendants’ position that all employees punched in and out for every shift worked, and so there are accurate records reflecting each employee’s hours worked. If there are discrepancies in the amount due any employee regarding overtime, the records will accurately reflect any negligent mistake. Each employee who worked for tips received the legal tip earned hourly rate and each employee who did not receive tips received the legal minimum wage. Defendants deny wrongdoing concerning any allegations about tip pool collection sharing.]

[If the Court agrees with Defendants, the claims of the cooks, counterpersons and delivery persons who worked at the above locations during the time period of January 11, 2014 to the present, who brought or joined in this lawsuit will be dismissed with prejudice, and they will not receive any money from this lawsuit.]

YOUR LEGAL RIGHTS

If you worked for Defendants as a cook, counter person and/or delivery person at any time between January 11, 2014 and the present, you may join this lawsuit. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. It is your right to join or not to join this lawsuit. If you decide to join this lawsuit, it is illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit. Also, your immigration status does not affect your entitlement to recover back wages or to participate in the lawsuit and you have a right to participate in this action even if you are an undocumented immigrant.

If you participate in this lawsuit's FLSA claim, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit's FLSA claim, whether it is favorable or unfavorable to the plaintiffs.

To join this lawsuit, you must sign a "Consent to Sue" form, which is enclosed with this Notice, and send it on or before **[2 months from the date notice is sent out]**:

Clerk of the Court
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

You are not required to have Lee Litigation Group, PLLC represent you. You may choose to hire your own attorney or you may choose to represent yourself. If you want your own attorney to represent you in this lawsuit, however, you will be responsible for paying that attorney's fees and expenses. If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation, and the statute of limitations under the NYLL is six years from the date of the violation.

THE LAWYERS REPRESENTING PLAINTIFF

If you join this lawsuit and agree to be represented by Plaintiff through his attorneys, you will be represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorneys' fees or expenses for this lawsuit. If the plaintiffs win a favorable judgment, Lee Litigation Group, PLLC may ask the Court to award it the greater of (i) its lodestar or (ii) up to one-third of the monetary recovery.

GETTING MORE INFORMATION

You can obtain more information about this lawsuit by contacting C.K. Lee, Esq.:

C. K. Lee, Esq.
Lee Litigation Group, PLLC

30 East 39th Street, Second Floor
New York, NY 10016
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

Do not call or write the Court or the Clerk's Office with questions.

Dated: New York, New York, _____, 2017

"CONSENT TO SUE" FORM

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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-against-

Case No. 17-cv-213

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TERRI 2 LLC d/b/a TERRI,
TERRI 3, LLC d/b/a TERRI,
CRAIG COCHRAN,
JEFFREY LAPADULA and
TOMER VERSANO,

Defendants.

If you are or were employed as a non-exempt employee (including but not limited to cooks, counter persons and delivery persons) by Defendants at any time between January 11, 2014 and the present, complete and mail this Consent Form by [2 months from the date of notice] to:

**Clerk of the Court
United States District Court
Southern District of
New York 500 Pearl Street
New York, NY 10007**

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate Salvador Gomez or his counsel Lee Litigation Group, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Social Security No.:_____

E-mail Address: _____

SIGNATURE: _____ Date: _____